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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Group Art Unit: 1632
James M. Wilson et al)
Appln No. 09/242,977)
Filed: February 26, 1999)
For: METHOD FOR RECOMBINANT) January 3, 2003
ADENO-ASSOCIATED VIRUS-)
DIRECTED GENE THERAPY)

Box RCE
Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

This amendment accompanies a Request for Continued Examination.
Applicants request entry of the Amendment Pursuant to 37 CFR §1.116 filed on October 22, 2002. Entry of this Preliminary Amendment is also requested.

In the Claims

Kindly add new claims 36 - 38 as follows.

36. A composition comprising a recombinant adeno-associated virus (AAV) suspended in a biologically compatible carrier,
wherein said recombinant AAV comprises (a) a 5' AAV inverted terminal repeat (ITR), (b) nucleic acid sequences encoding human apolipoprotein E (ApoE) operably linked to regulatory sequences which direct its expression, and (c) a 3' AAV ITR, and

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
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Washington, DC 20231

| | |
|------------------------|-----------------------|
| Application Number | 09/242,977 |
| Filing Date | 2/26/99 |
| First Named Inventor | James M. Wilson et al |
| Art Unit | 1632 |
| Examiner Name | R. Shukla |
| Attorney Docket Number | GNV19BUSA |

#32
15-23

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on October 22, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-3040
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-------------------------|-----------------------------------|-----------------|
| Name (Print/Type) | Cathy A. Kodroff | Registration No. (Attorney/Agent) | 33,980 |
| Signature | <i>Cathy A. Kodroff</i> | Date | January 3, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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| Signature | | | |

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